

Please type a plus sign (+) inside this box



08-31-01

SECTOR

PTO/SB/21 (6-99)

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# TRANSMITTAL FORM

(Use this form for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/897,701

Filing Date

June 29, 2001

First Named Inventor

Randall H. Chance

Group/Art Unit

2635

Examiner Name

Not Yet Assigned

Attorney Docket Number

27251-703

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Version with Markings Showing Changes

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

☒ Assignment Papers  
(for an Application) (3 pgs)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☒ Power of Attorney by Assignee

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Additional Enclosure(s)  
(please identify below):

Declaration (5 pgs.)

Copy of Notice to File Missing Parts of Application (1 pg.)

Transmittal of Substitute Drawings

12 Sheets of Drawings

Copy of Notice to File Missing Parts of Application

Copy of Filing Receipt w/ marked changes

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm  
or  
Individual name

David J. Weitz, Reg. No. 38,362, WILSON SONSINI GOODRICH & ROSATI

Signature

David J. Weitz

Date

Aug 28, 2001

Customer Number:

021971

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date: August 29, 2001 Express Mail Label EL757542802US

Typed or printed name

Cindy Baglietto

Signature

Cindy Baglietto

Date

8/29/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

AUG 29 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Randall H. Chance, et al.

Group No.: 2635

Serial No. 09/897,701

Examiner: Not Yet Assigned

Filed: June 29, 2001

For: Telemetry System and Method

Commissioner for Patents

Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS—NONPROVISIONAL APPLICATION**

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 26, 2001. A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

**DECLARATION OR OATH**

- II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**POWER OF ATTORNEY**

- III. Enclosed is an original Power of Attorney by Assignee to Exclusion of Inventor.

**SUBSTITUTE DRAWINGS**

- IV. Enclosed are Substitute Drawings in compliance with 37 CFR 1.84.

**SMALL ENTITY STATUS**

- V. Applicant claims small entity status. See 37 CFR 1.27.

**COMPLETION FEES**

1. Filing Fee: Original patent application (37 C.F.R. 1.16(a))	\$ 355.00
2. Fee for Claims: Each claim in excess of 20 (37 C.F.R. 1.16(c))	\$ 153.00
3. Fee for Claims: Each independent claim in excess of 3 (37 C.F.R. 1.16(b))	\$ 0.00
4. Surcharge Fee: Late payment of filing fee (37 C.F.R. 1.16(e))	\$ 65.00
5. Assignment (See "ASSIGNMENT COVER SHEET".)	\$ 40.00
6. Total completion fees	\$ 613.00

**EXTENSION OF TIME**

- VI. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due: \$0

**REQUEST FOR CORRECTED FILING RECEIPT**

- VII. Attached is a copy of the official filing receipt for which issuance of a corrected filing receipt is respectfully requested. There are errors with respect to the following, which are incorrectly entered.

Error in	Correct data
1. Applicant name and/or addresses	- Randall H. Chance, <b>Round Rock, Texas</b> ; David X. Young, <b>Austin Texas</b> ; Donald J. Davis, <b>Austin, Texas</b> ; Thomas A. Garner, <b>Austin Texas</b> ; Michael A. Young, <b>Pflugerville, Texas</b> ; Michael P. Devine, <b>Austin, Texas</b> ; Spencer Nimberger, <b>Houston, Texas</b> ; Kevin J. Cessac, <b>Houston, Texas</b> ; Richard J. Smalling; <b>Austin Texas</b> ; Kejun Chen, <b>Austin, Texas</b>
2. Priority Claim	- This application is a CIP of 09/897,700 filed June 29, 2001 which is a CIP of 09/427,415 filed October 27, 1999

At least one of the above corrections is due to applicant's error and the fee under 37 C.F.R. 1.19(h), of \$25.00 applies.

**TOTAL FEE DUE**

**VIII.** The total fee due is: Completion fees \$ 613.00 Extension of Time Fees \$ 0 Corrected Filing Receipt Fees \$ 25.00  
**TOTAL FEE DUE \$ 638.00**

**PAYMENT OF FEES**

**IX.** Charge Account No. 23-2415 ( 27251-703 ) in the amount of \$ 638.00.  
Please charge Account No. 23-2415 ( 27251-703 ) for any fees that may be due by this paper.

  
\_\_\_\_\_  
David J. Weitz, Reg. No. 38,362

Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971

09897701-082901  
T06280-T0226860



# FREE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$) 638.00

## Complete if Known

Application Number	09/897,701
Filing Date	June 29, 2001
First Named Inventor	Randall H.Chance
Examiner Name	Not Yet Assigned
Group/Art Unit	2635
Attorney Docket Number	27251-703

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 23-2415 (Docket No. 27251-703)

Deposit Account Name Wilson Sonsini Goodrich & Rosati

- ☐ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$) 355.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
37	-20** = 17	9.00	153.00
Independent Claims	3	-3** = 0	40.00
Multiple Dependent			

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 153.00

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)				25 Request for Corrected Filing Receipt	25.00
Other fee (specify)				55/110 Terminal Disclaimer	

\* Reduced by Basic Filing Fee Paid

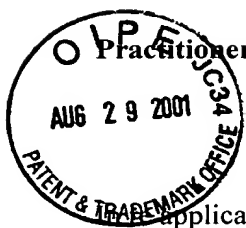
SUBTOTAL (3) (\$) 130.00

## SUBMITTED BY

Name (Print/Type)	David J. Weitz	Registration No. (Attorney/Agent)	38,362	Telephone	650-493-9300
Signature	David J. Weitz	Date	Aug. 28, 2001	Customer No.	021971

## Complete (if applicable)

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Practitioner's Docket No. 27251-703

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Randall H. Chance, et al.

Group: 2635

Serial No.: 09/897,701

Examiner: Not Yet Assigned

Filed: June 29, 2001

For: Telemetry System and Method

Commissioner for Patents

Washington, D.C. 20231

TRANSMITTAL OF SUBSTITUTE DRAWINGS IN COMPLIANCE WITH 37 CFR 1.84  
WITHIN TWO MONTH PERIOD OF RESPONSE SET IN  
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

SUBMISSION OF DRAWING(S)

1. To correct the margins in the informal drawings as noted in the Notice to File Missing Parts of Nonprovisional Application dated July 26, 2001, applicants submit herewith substitute informal drawings with the appropriate margins, for this application.

Number of sheets of drawings submitted: 12

2. The two month period of response set in the Notice expires on September 26, 2001. This submission is on or before this expiry date.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

*David J. Weitz*

David J. Weitz, Reg. No. 38,362

650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971

CERTIFICATE OF EXPRESS MAILING

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20231, on this date: August 29, 2001

Express Mail Label EL757542802US

Typed or printed name

Cindy Baglietto

Signature

*Cindy Baglietto*

Date

8/29/2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/897,701	06/29/2001	Randall H. Chance	27251-703

021971  
WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO, CA 943041050

**CONFIRMATION NO. 1522**

## FORMALITIES LETTER



\*OC000000006343388\*

Date Mailed: 07/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

**FILED UNDER 37 CFR 1.53(b)**

**Filing Date Granted**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$153.
  - **\$153** for **17** total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 573.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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05:077709

3722 954300

00-000000

*A copy of this notice MUST be returned with the reply.*

*Man*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09897701-082994  
T06280701-082994

CEIVED

Page 1 of 3

JUL 27 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 29 2001

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	SRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/897,701	08/27/2001	2635	0.00	27251-703	12	37	3

CONFIRMATION NO. 1522

 021971  
 WILSON SONSINI GOODRICH & ROSATI  
 650 PAGE MILL ROAD  
 PALO ALTO, CA 943041050

## FILING RECEIPT



\*OC00000006343387\*

DOCKETED

Date Mailed: 07/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Randall H. Chance, ~~Residence Not Provided~~; Round Rock, Texas;  
 David X. Young, ~~Residence Not Provided~~; Austin, Texas;  
 Donald J. Davis, ~~Residence Not Provided~~; Austin, Texas;  
 Thomas A. Garner, ~~Residence Not Provided~~; Austin, Texas;  
 Michael A. Young, ~~Residence Not Provided~~; Pflugerville, Texas;  
 Michael P. Devine, ~~Residence Not Provided~~; Austin, Texas;  
 Spencer Nimberger, ~~Residence Not Provided~~; Houston, Texas;  
 Kevin J. Cessac, ~~Residence Not Provided~~; Houston, Texas;  
 Richard J. Smalling, ~~Residence Not Provided~~; Austin, Texas;  
 Kejun Chen, ~~Residence Not Provided~~; Austin, Texas

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/427,415 ~~10/27/1999~~ 09/897,700 filed 6/29/2001  
 which is a CIP of 09/427,415 filed 10/27/1999

## Foreign Applications

If Required, Foreign Filing License Granted 07/25/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*



**Title**

Telemetry system and method

**Preliminary Class**

340

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**Data entry by :** SASORITH, MALASY

**Team :** OIPE

**Date:** 07/26/2001



**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231